

May 11, 2000
**AIR POLLUTION CONTROL ADVISORY COUNCIL
(APCAC)**

Member Attendees: David Noell, representing labor; Dean Johnson, representing the fuel industry; Mike Machler, representing meteorology; Kathy Harris, representing urban planning; and Diane Lorenzen, representing chemical engineering.

Other Attendees: Gail Abercrombie, Montana Petroleum Assoc., Elton Erp, Monitoring and Data Management, PPA, DEQ.

Speakers: Terry Coble, ASARCO; Charles Homer, Bob Martin, Debbie Skibicki and Deb Wolfe, Permitting and Compliance (P&C), Department of Environmental Quality (DEQ); Dan Rapkoch, DEQ.

Meeting began at 2:05 PM in Conference Room 111 of the Metcalf Building in Helena, Montana.

1. **Introductory Remarks. Diane Lorenzen**, Chairman, welcomed all present. Absent were Cliff Cox, Linda J. Dworak, Dennis Alexander, Mitchell Leu, and Brad Black.
2. **Review of January 13, 2000 Minutes and March 9, 2000 Minutes.** Dean Johnson moved and Mike Machler seconded the acceptance of the minutes. Motion carried.
3. **Housekeeping Remarks. Bob Habeck, Resource Protection Planning Bureau, Planning, Prevention and Assistance Division (PPA), DEQ.** New Agenda Format – Since some agenda business has run longer than planned, this suggestion would enable the members to table that item and bring it up at the next meeting for more discussion.

Discussion Items

a) **ASARCO Environmental Program. Terry Coble, Engineer with ASARCO in East Helena.** Mr. Coble said the company has 141 acres of industrial property and 2000 acres of outlying property. Concentrates are purchased on the open market, processed at the plant to produce lead, which is sold on the open market. ASARCO is a wholly owned subsidiary of Grupo Mexico. Mr. Coble said he is an environmental engineer involved with the air program. He said the plant is nonattainment for sulfur dioxide but the Environmental Protection Agency (EPA) has approved the SO₂ State Implementation Plan (SIP). The plant is also rated nonattainment for lead and a SIP for lead was started in 1996. The company has worked in conjunction with the state and EPA to reduce the lead concentration to an acceptable level. Concentrations have been measured under the maximum limit of 0.5 micrograms since 1997. Monitors are located throughout East Helena and results are taken every other day on particulates. Hundreds of yards were cleaned up and are continuing to be on an as-needed basis. Mr. Coble said an extensive environmental procedures program has been developed for employees and gives procedures to care for environmental concerns as well as how to grease a truck, drive a truck, etc., which are the rudimentary things done everyday. This ensures that things are done on a consistent basis and that employees understand the environmental concerns in East Helena. There is also an established training program that is offered on an annual basis to the employees with updated references, and also new employees are trained on environmental issues as they come into the organization.

In response to a question about dust blowing off the smelter piles, Mr. Coble said a requirement of the SIP is that within 24 hours of breaking into a pile, a chemical binder has to be used on the cut. The company also uses sprays, tarps and big cement blocks to cut down wind erosion.

In response to a question on when EPA will sign off on their SO₂ SIP. Mr. Coble said Rich Southwick of the DEQ is working with EPA. Administrative discretion and a few other issues are still unresolved. EPA does not want to have the state able to make small changes to the SIP without first contacting them. These issues have been addressed and Mr. Coble said the company hopes the Environmental Protection Agency (EPA) will soon sign off on both the SO₂ and Lead SIPs.

In response to another question, Mr. Coble said ASARCO bought two sweepers and hired Hydrometrics to run them in East Helena. Random samples from the roads are taken at regular intervals.

In response to a question about how the present emissions compare to the emissions before the lead program was implemented, Mr. Coble said before the implementation they were running between four and five micrograms per cubic meter in the East Helena area. The limit is 1.5 micrograms, measured on a 24-hour basis. The plant is under the 1.5 micrograms and has not exceeded it since the program was implemented in 1997.

b) DAN RAPKOCH, Communication Manager for DEQ.

Mr. Rapkoch passed out copies of an article from the New York Times that tells of the Libby asbestos situation. This is Exhibit 1 of the minutes. Mr. Rapkoch said EPA is beginning to make plans for the removal of three feet of soil on the 21-acre Parker property and removing buildings from the seven-acre processing area in Libby. The Parker soil could be put on the mine site – perhaps used as cover soil with the demolition debris going in the glory hole which would then be covered, capped and sealed. Another issue is that the W.R. Grace Company is not willing to acknowledge that the Parker Place needs to be scraped down three-feet. They want to locate the hot spots and remove just them. Another issue is that W.R. Grace has not talked to the current owners of the mine as to their plans. (Around 1994, the Kootenai Development Company bought the property where the mine site was located.) EPA wanted W.R. Grace to enter into a cooperative agreement to clean up these two areas but W.R. Grace declined, as to do so would affect some of their legal rights.

Mr. Rapkoch said EPA is sponsoring a conference in Libby to discuss the public health issues involved with asbestos the week of August 14. The conference would provide information to local providers such as doctors, nurses, and social workers. EPA would like participation from the Department of Environmental Quality, the Department of Public Health and Safety, and the Federal Disease Registry. Governor Racicot has indicated that he would be interested and possibly participate. Mr. Rapkoch said the Department is working on involvement details.

In response to a question Mr. Rapkoch said EPA has four air monitoring sites in Libby but the results may not be available until the end of the year.

Rulemaking Action Items

a) Calendar Year 2000 Fees. Charles Homer, Air and Waste Management Bureau, Permitting and Compliance Division, Department of Environmental Quality.

Mr. Homer said their bureau handles three different programs (the Permitting and Compliance portions of the programs): asbestos, hazardous waste, and air. Mr. Homer said the air portion of their program is supported entirely by air fees. He said air fees also supports a substantial number of positions throughout the rest of the air program located in other divisions. Mr. Homer said the air fees are reviewed annually and then brought before the Board as part of the rulemaking process.

Bob Martin, Rural Development Specialist, Air and Waste Management Bureau, Permitting and Compliance Division, Department of Environmental Quality.

Mr. Martin said the Department is conducting rulemaking for the major open burning source fees and the air quality operation fees in the same action.

The Department is proposing a \$500 permit application fee for all air quality preconstruction permits. Currently those classified as PSDs (Prevention of Significant Deterioration) pay a \$1,500 fee. Since the Department receives few PSD applications, this will have a minimal impact on total fee collections.

The air quality operation fee is based on the difference between the legislative appropriation less any carry-over funds and any application fees. Facilities submit emission inventories and the tons of regulated emissions are summed. All emission sources pay an administrative fee and a per ton emission fee and this makes up the operation fee. The amount of this fee depends on the difference between the

appropriation, carry-over and application fees and the amount needed to run the program. It is too early to say what the air quality operation fee will be this year but it appears that the fee will go down slightly.

The major source-burning fee is developed in consultation with the Montana Airshed Group. A budget is developed reflecting expenses of the Department's Smoke Management Program for open burners. Fees assessed are based upon the budget and the burner's actual or estimated actual emissions during the previous calendar year in which the burner conducted open burning pursuant to an air quality major open burning permit. Mr. Martin said the Department is proposing to reduce the late payment charge associated with the air quality operation fee from 15 percent of the fee to 10 percent and the minimum late payment charge from \$100 to \$50. The Department has been contacted by a small portable source about the \$400 administrative fee that is part of the air quality operation fee. The small portable source feels that the administrative fee constitutes a much higher percentage of the total fee for small emission sources than for large emission sources. The Department is reviewing this.

Mr. Martin said Nancy Jones of the Air and Waste Management Bureau, who was unable to be present today, has done research on the administrative fees paid by small sources. Exhibit 2 is a copy of some of her findings. Ms. Jones also left the following information: Another presentation of the fee rule revisions will be given at the next APCAC meeting as the Department will know the amount of all the fees at that time. The fee rule revisions will be before the Board for a request to initiate rulemaking at the July 7th Board meeting and final action will be at the September 15 Board meeting.

Mr. Homer responded to a question that fees are discussed annually with the Clean Air Act Advisory Council (CAAAC) group, composed mainly of regulators, industry people and environmentalists. Fees are to recognize the amount of service provided and need to be a representative amount that would be given to any source and reflects all facilities that have permits, not just portables. He said from the research Ms. Jones has done, the larger facilities are subsidizing the portable facilities. Mr. Homer said the Department has a balloon that has to be filled and if you squeeze down on one end, another end has to pop up. He said they are trying to find the best and fairest way to allocate the costs. He said fees have generally decreased in the last few years and until the figures are in they won't know if that will happen again this year.

b) Periodic Monitoring. Debra Wolfe, Air and Waste Management Bureau, Permitting and Compliance Division, Department of Environmental Quality.

Ms. Wolfe said the District of Columbia Circuit Court, which has authority for the other jurisdictions regarding environmental law came out with a decision regarding the periodic monitoring rule. It stated that as long as the applicable state or federal standard requires testing on any time to time basis (whether yearly, monthly, daily or hourly) no supplemental period testing is required under the periodic monitoring rule. Rulemaking is a prerequisite to making a substantive change to something like the periodic monitoring rule. Exhibit 3 of the minutes is a brief outline of the lawsuit "Appalachian Power Co. v EPA." This exhibit also includes a brief outline of what this case means for Montana's Periodic Monitoring Rule (our rule remains unchanged) and what it means for the Credible Evidence Rule.

c) Carbon Monoxide Redesignations. Debbie Skibicki, now with Air and Waste Management Bureau, Permitting and Compliance Division, Department of Environmental Quality.

Ms. Skibiki said she had been with the Planning, Prevention and Assistance Division of DEQ but was now with the Permitting and Compliance Division. Ms. Skibiki said while with PPA she had worked on limitation plans for things like pollutants that come from vehicle dust, road dusts, smog, etc. She said she would be discussing plans that are not regulatory so they will not be going through rulemaking. Specifically - the status of the Billings and Great Falls carbon monoxide (CO) state of limitation plans. She said the Department has started a redesignation process for both cities to get them classified by EPA as attainment areas. They are both now a Not Classified nonattainment area for CO. Great Falls in 1980 was listed as nonattainment for CO following violations of the standard. National Ambient Air Quality (NAAQS) for CO is 9 parts per million over an 8 hour average and that is not to be exceeded more than once a year. One of the major sources of CO was the Montana Refining Company. The company changed their catalytic cracking unit in 1987 and a control plan for CO was submitted shortly

after that. There were no exceedances or violations in 1988 or 1989. Following the 1990 Clean Act Amendments, Great Falls was reevaluated and was deemed as a Not Classified nonattainment area. This classification requires a new emission inventory and the development of a maintenance plan in order to attain "attainment" status.

Billings in 1978 was listed as nonattainment for CO as a result of the 1977 Clean Act Amendment. Control plans were developed to bring Billings back into compliance. The main reason for noncompliance was motor vehicle emissions. The control plan was approved in 1986. Following the 1990 Clean Air Act they didn't have any exceedances or violations in 1988 or 1989 so they were also classified as Not Classified nonattainment. A new emission inventory and a maintenance plan are being developed to bring Billings into attainment.

The Department in about 1995, began a redesignation based on a limited maintenance plan strategy that EPA made available. It is a less restrictive plan for cities like Billings and Great Falls that haven't had violations in a long time and have clean data. The primary control measure in both cities' plans is called the Federal Motor Vehicle Emission Control Program; it amounts to newer cars burning cleaner because of advanced factory technology. This is what has kept Billings and Great Falls in compliance and why it is nonregulatory because the control measure being used is already in federal law. The plan requires that a CO monitor remain in continuous operation in both cities and results reported to local and state officials of any exceedance.

The big advantage to these two cities keeping their current labels is that if the standard is violated and they are immediately put in a contingency plan that works, they would have extra consideration from EPA and might not be declared nonattainment right away. If they violate the standard and do not have a plan, they would automatically be nonattainment and have to start over with the state implementation plan process.

Attainment designation would remove the stigma attached to both cities for being nonattainment areas. Ms. Skibiki said some cities are concerned about being a bad air town and some don't care. Being in attainment would simplify transportation conformity procedures. If there are federal censor stamps on any kind of project within a nonattainment area, a process has to be undertaken to be sure the funds aren't being spent to the detriment of air quality in that area. This can be expensive as it takes a lot of planners' time and some projects are eliminated because of this need, resulting in a potential funding loss. Missoula has to compare all their projects each year to a budget. Even now Great Falls and Billings only have to look at small areas to ensure that those areas will not be negatively affected and so are open to more federally funded projects.

The Great Falls' plan will have a department hearing and public notice in June or July. It will then be submitted to EPA. It generally takes about two years for this. The Department has been working closely with EPA.

Elton Erp, Monitoring and Data Management Bureau, PPA, DEQ.

Mr. Erp said there might be some changes in how we measure particulates. There was a legal measure with PM2.5 as it is a subset of PM10 and it appeared to have certain material regulated twice. He said EPA appears to be responding to this by going to a PM Fine Standard and a PM Coarse Standard with PM Fine being the current PM2.5. There will be two samplers at each site. The real interest seems to be moving toward the finer materials from a health standpoint, but if you were interested in coarser material you would be looking at two samplers side by side.

The next meeting date is June 28, a Wednesday.

Mr. Machler moved the meeting adjourn, Mr. Johnson seconded it and the meeting adjourned at 3:35 P.M.